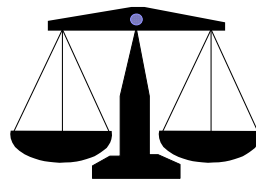


CITY OF CINCINNATI



Thirteenth Status Report to the Independent Monitor

August 12, 2005



Cincinnati Police Department

Colonel Thomas H. Streicher, Jr., Police Chief

S. Gregory Baker, Executive Manager of Police Relations
Police Relations Section

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I. INTRODUCTION

In April 2001, the Mayor of Cincinnati, and other interested persons within the City, requested the United States Department of Justice (DOJ) to conduct a review of the Cincinnati Police Department's (CPD) policies and procedures, specifically those that related to the uses of force. This request indicated the City's commitment to minimizing the risk of excessive Use of Force in the CPD and to promoting police integrity. In response to these requests, the DOJ launched an investigation pursuant to authority granted under 42 U.S.C. 14141, the Violent Crime Control and Law Enforcement Act of 1994.

The DOJ's investigation, conducted with the full cooperation of the City, included extensive interviews with City and CPD officials, CPD officers, leaders of the Fraternal Order of Police (FOP) and the African-American police officers' association (Sentinels), community members and civil rights organization representatives.

At the close of the investigation, which lasted approximately one year, the DOJ determined that the jurisdictional requirements of 42 U.S.C. 14141 were sufficiently satisfied to permit the Parties to enter into the **Memorandum of Agreement (MOA)**. As a result of the City's and the CPD's high level of voluntary cooperation and willingness to implement meaningful change, the DOJ believed the MOA, rather than contested litigation, represented the best opportunity to address the DOJ's concerns. On April 11, 2002, history was made in the City of Cincinnati. The City of Cincinnati and the United States Department of Justice entered into the landmark Agreement.¹

At the same time, representatives for the City, the Cincinnati Black United Front (CBUF), the American Civil Liberties Union of Ohio (ACLU), and the Fraternal Order of Police (FOP) executed the **Collaborative Agreement (CA)**. Brought about in part by a series of legal actions citing patterns of discrimination by police, this latter Agreement also served as an alternative to court litigation. Under this Agreement, the Federal District Court introduced a process where various stakeholders in the community could examine the broader social conflicts in the City by gathering the views of as many citizens as possible on improving the relationship between police officers and the community. Through the distribution of questionnaires and a series of public meetings involving different segments of the community, the following goals became the cornerstones of the Collaborative Agreement:

¹ Neither the City's entry into this Agreement, nor its decision to implement changes in CPD policies and procedures is an admission by the City, the CPD, or any officer or employee of either, that any of them have engaged in any unconstitutional, illegal, or otherwise improper activities or conduct.

1. Police officers and community members will become proactive partners in community problem solving.
2. Police officers and community members will build relationships of respect, cooperation, and trust within and between the police and the citizens.
3. Police officers and community members will work to improve education, oversight, monitoring, hiring practices, and accountability of the Cincinnati Police Department.
4. Police officers and community members will ensure fair, equitable, and courteous treatment for all by members of the police department.
5. Police officers and community members will create methods to establish the public's understanding of police policies and procedures and to recognize exceptional service provided by members of the police department.

Implementation of both Agreements will not only reform police practice, but will enhance trust, communication, and cooperation between the police and the community. The settlements have fostered a union that has motivated all segments of the community to come together and focus on building the positive and productive relations necessary to maintain a vibrant city core and surrounding metropolitan area. The City of Cincinnati is enthusiastic and committed to this endeavor and has already begun initiatives to involve virtually all City departments in the process.

The two Agreements will be overseen by an Independent Monitor. Consistent with the consensus decision-making process incorporated in the collaborative process, all collaborative partners unanimously selected the independent monitor.

II. GENERAL POLICIES

A. Mental Health Response Team (MHRT)

The MOA's requirements with regard to the MHRT are located in paragraph 10.

Monitor's Previous Assessment

The Monitor finds the CPD to be in compliance with the requirements of MOA paragraph 10, including MHRT policy and training, availability of trained MHRT officers during all shifts; appropriate responses to MHRT calls; and a partnership with mental health professionals making such professionals available to assist the CPD onsite in interactions with mentally ill persons.

As the Monitor has noted in prior quarters, the MHRT program has received very positive appraisals from mental health professionals, community members and members of CPD.

Status Update

Training

The Police Academy, in partnership with mental health professionals, completed a 40-hour training course for 29 new MHRT officers during the week of June 20th. Another 40-hour training course for 30 additional MHRT officers is scheduled for the second week of September. The additional 29 MHRT officers brings the total compliment to 154 MHRT officers.

MHRT Availability

To ensure the availability of MHRT officers 24/7 and city-wide, the CPD continues to track the number of MHRT officers deployed on a daily basis. The tracking process allows the CPD to take a look at MHRT staffing levels by shift, district, and department-wide. According to the April, May, and June staffing reports, the CPD was able to provide consistent MHRT service. The MHRT staffing reports are included in Appendix Item 1.

MHRT Officer Dispatch Summary

Effective May 1, 2003, the Police Communications Section began to record the dispatch disposition of MHRT officers to all calls involving suspected mentally ill individuals. When dispatching these calls, the dispatcher makes an entry into a designated field for all MHRT calls, indicating one of the following dispositions:

- MHD - A MHRT unit was dispatched to the call.
- MHNA - A MHRT unit was not dispatched because all MHRT units city-wide were busy.
- MHNW - There were no MHRT units working in the city.

During this reporting period, the CPD documented (via the Computer Aided Dispatch report) 1,672 calls involving mentally ill persons. In 104 of those instances, the call did not meet the criteria for dispatch and was cancelled, or the call was handled by another agency. In 182 cases, the call was dispatched as another incident type and later changed to a MHRT by the responding officers. This equates to 1,386 calls eligible for MHRT officer dispatch. For 1,217 of the calls (88%), a MHRT officer was dispatched. For this reporting period, there were only 24 calls for which a MHRT officer was working but not available for dispatch, and there were 2 instances where a MHRT officer was not working. A monthly analysis of these calls is included in Appendix Item 2.

Mobile Crisis Team Workers

The Psychiatric Emergency Services Department of University Hospital continues its partnership with the CPD. This partnership has enabled Mobile Crisis Team personnel to work within police districts in conjunction with police personnel. Currently, the program operates in Districts One and Five.

For the second quarter of 2005, statistics were maintained for individuals in both districts who could be identified as being in need of mental health services. Identification is made through an incident history, police reports (Form 316), or by hospital records. Information regarding the number of MHRT runs handled by police, the Mobile Crisis Team, or a combination of both is also tabulated. Once an individual has been identified, social demographic data regarding the subject and the outcome of each incident is documented and entered into a database in each of the districts.

2005 Second Quarter	District One	District Five
Total runs	273	240
CPD only	162	110
Mobile Crisis Team only	43	62
CPD assisted by the Mobile Crisis Team	50	41
Mobile Crisis Team assisted by CPD	18	26
Total individuals identified	181	168
Mobile Crisis Team consultations	2	1

B. Foot Pursuits

The provisions of the MOA related to foot pursuits are located in paragraph 11.

Monitor's Previous Assessment

The Monitor reviewed 41 use of force or complaint investigations in which a foot pursuit was involved. The supervising investigator documented a review of the foot pursuit on the Use of Force report in 39 (95 percent) of these cases.

The CPD's policy, training and actual practice on foot pursuits is in compliance with this MOA paragraph.

Status Update

The tactical and risk considerations involving foot pursuits were reiterated this quarter during roll call training. The related roll call training calendars are included in Appendix Item 27.

III. USE OF FORCE POLICY

A. General Use of Force Policies

The MOA's requirements pertaining to use of force are located in paragraphs 12 and 13.

Monitor's Previous Assessment

The Monitor has previously determined that the CPD's Use of Force policy and training are in compliance with the MOA provisions.

Status Update

No revisions to the Use of Force policy and procedure occurred during this period.

TASERS

Monitor's Previous Assessment

During the first quarter, the Monitor reviewed the CPD's use of force investigations to assess whether officers are implementing the CPD's use of force policies in compliance with the MOA. As required by the MOA, the CPD's procedures incorporate a use of force model that "relates the officer's responses and use of force options to the actions of the subject."

In the 33 TASER incidents that the Monitor Team reviewed this quarter, the documentation and investigation made clear that in 31 (94%) of the incidents, the officer's use of force was reasonably related to the level of resistance and actions of the suspect. There were two incidents, however, where the Monitor could not conclude that this was the case (Tracking Nos. 2004-0569, 52969).

With respect to other use of force incidents, there was one other incident in which the Monitor could not conclude that the force used was reasonably related to the actions and level of resistance of the subject (Tracking No. 52382).

The Monitor finds the City in compliance with these provisions.

Status Update

There were 143 TASER deployments in the second quarter of 2005. TASER usage for the last four quarters is as follows:

Third quarter 2004	198
Fourth quarter 2004	148
First quarter 2005	137
Second quarter 2005	143

In review of four quarters of full deployment, TASER usage peaked during the third quarter of 2004, decreased significantly for two consecutive quarters, and appears to be leveling off this quarter. With the continued usage of TASER through seasonal climate and crime cycles, the CPD will continue to monitor TASER deployments in the aggregate.

There were 14 minor injuries associated with the 137 deployments. The injuries -- minor lacerations and abrasions -- occurred as a result of the subject falling to the ground after deployment.² Most of the injuries were treated at the scene by a fire company.

It should be noted that since the CPD began deployment of the X26 TASER in the first quarter of 2004, there have been 875 deployments to date. None of these 875 individuals were admitted to a hospital for a TASER related injury.

The number of use of force incidents has **declined 11%** in the past 12 months (see the table below).

Use of Force Table

	3 rd Q 2003	4 th Q 2003	1 st Q 2004	2 nd Q 2004	3 rd Q 2004	4 th Q 2004	1 st Q 2005	2 nd Q 2005
Chemical irritant – Unrestrained subjects	92	90	76	30	10	8	8	12
Restrained Subjects	19	15	10	9	10	9	11	10
Physical Force	27	29	17	4	2	1	4	4
Takedowns with Injury	26	12	11	4	8	6	10	3
Non-compliant suspects	35	48	40	41	30	3	13	4
PR 24	5	4	0	0	1	0	0	0
Canine	2	2	4	1	3	5	6	7
TASER	0	0	72	177	198	148	137	143
Beanbag/Foam round	0	0	1	0	0	0	0	0
Pepperball	5	2	0	0	0	1	0	0
Firearms Discharge	0	1	3	2	0	0	1	2
Total	211	203	234	268	262	181	190	185

The most impressive figure in this table is the **70% reduction** over the previous

² Injuries from TASER deployments are summarized in Appendix Item 3.

12 months in instances where officers had to [engage noncompliant subjects](#).³ The TASER has reduced the need for officers to have physical, often violent, encounters with resistive subjects.

During the period July 1, 2004 to June 30, 2005, CPD officers had to use force in only 2.19% of arrest situations, as compared to 2.43% in the previous 12 months.⁴

The table below highlights a [31% decrease in injuries to suspects/prisoners](#) over the last 12 months:

Suspect/Prisoner Injuries Resulting from Police Contact⁵

	07/01/03 – 06/30/04	07/01/04 – 06/30/05
Hard hands with injury and foot pursuits	190	96
Beanbags	0	0
Pepperball	7	0
40 mm foam	1	0
TASER	32	83
Other force ⁶	46	12
Total	276	191

Additionally, [injuries to officers resulting from arrests and assaults](#) **dropped 53%** over the last 12 months (60 between 07/03 and 06/04, and 28 between 07/04 and 06/05).

The following are examples of TASER incidents from the second quarter in which officers used this non-lethal force alternative in lieu of possible deadly force encounters:

➤ **Report 2005-66207 – May 7, 2005**

A suspect fled a vehicle on foot upon termination of a pursuit. The officer deployed his TASER. During the activation, the officer observed the butt of a firearm protruding from the suspect's front pants pocket. The subject would not comply with the officer's orders to move his hands away from the firearm. The officer cycled his TASER a second time enabling him to gain control of the loaded weapon. The suspect was not injured.

➤ **Report 2005-67972 – June 11, 2005**

An officer arrived on the scene of a cutting where an adult stabbed a child for no apparent reason. The officer observed the suspect exit a building with a knife in his hand. The officer ordered the suspect to drop the weapon and

³ This would include any instance where an officer had to resort to hands-on contact with a suspect/prisoner (physical force, takedowns with injury, and non-compliant/hard hands).

⁴ 37,306 arrests during the period 07/01/04 to 6/30/05; 37,626 arrests during the period 07/01/03 to 06/30/04

⁵ Does not include ingestions of contraband, injuries sustained to prisoners as a result of a vehicle crash from a pursuit, injuries from canine bites, etc. (any injury where the TASER would not have been a force option in an incident is not included). In regards to contraband, suspects normally swallow contraband before the officer comes in contact with them.

⁶ Includes strikes, kicks, PR 24, firearms

warned of impending force. The suspect advanced on the officer and raised the knife above his shoulder to a striking position. The officer deployed his TASER, which caused the suspect to fall to the ground. After the cycle completed, the suspect attempted to remove the barbs. The officer issued another warning before cycling his TASER an additional time. The suspect was immobilized and the officer was able to secure the knife without further incident. The suspect was treated for injuries sustained prior to police contact.

➤ **Report 2005-68126 – June 14, 2005**

Officers approached a suspect who had just sold crack cocaine to a confidential informant. The suspect fled on foot as the officers approached. After repeated warnings of impending force, the officers deployed their TASERS. The initial deployments immobilized the suspect; however, he attempted to get back to his feet after the cycle ended. After repeated cycles, the suspect complied with the officers' orders and he was handcuffed without incident. A loaded firearm was recovered from his pants pocket. The suspect received only minor scrapes on his elbow and fingers from falling to the ground.

➤ **Report 2005-68731 – June 25, 2005**

Officers pursued a suspect who fled on foot from a stolen auto. One officer deployed his TASER after the suspect ignored repeated commands to stop. The suspect was immobilized and handcuffed without further incident. A firearm fell out of the suspect's clothing as he went to the ground. The suspect did not have a chance to recover the weapon due to the incapacitating effect of the TASER. The suspect did not suffer any TASER related injuries.

In all, there were 12 TASER incidents in the second quarter where the suspect had a deadly weapon on their person.⁷ Also of note was an incident in the second quarter where the use of the TASER thwarted a suicide attempt (report number 2005-67310).

Additional Issues Regarding the TASER:

As stated above, the Monitor reviewed a number of TASER investigations to assess whether officers are implementing the CPD's use of force policies in compliance with the MOA. The Monitor found the CPD in compliance with these provisions (paragraphs 12-13).

However, the Monitor prefaces their assessment with the following:

The debate about TASERS, at least as it relates to the MOA, is thus not about its use in situations where other uses of force would clearly have been necessary absent the TASER. Rather, the issue is whether officers are relying on TASERS to such a degree that they might use them in situations where standard arrest control techniques or additional communications skills might have obviated the need for a use of force. The CPD Use of Force policies, Procedure 12.545, states that officers should "[u]se the X26 TASERS to control actively

⁷ The remaining eight incidents were report numbers 2005-64931, 2005-65077, 2005-67219, 2005-67310, 2005-68845, 2005-66160, 2005-68063, and 2005-68186. Report 2005-66160 (Form 18I) is an incident where the suspect complied with officer's orders after a warning of pending TASER usage. The suspect was not tased. He possessed a firearm on his person.

resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects.” In situations where subjects are “passively resisting,” for example “conspicuously ignoring” the officer, the CPD should ensure that officers are properly considering alternatives to force such as de-escalation, verbal commands, or arrest control techniques.

The CPD is equally concerned that an officer’s use of force is reasonably related to the level of resistance demonstrated by the suspect. However, it appears that the Monitor Team’s comments are not substantiated from the results of their audit – in 31 of the 33 cases reviewed (94%), “the officer’s use of force **was** reasonably related to the level of resistance and actions of the suspect.” (emphasis added)

In the two cases where the Monitor could not conclude that the force was reasonable with the resistance, the subjects exhibited what the Monitor has referred to as “passive resistance.” The two subject cases are as follows:

➤ **Report 2004-0569 – July 29, 2004**

Three suspects were stopped by plain clothes officers for a suspected drug transaction. One of the suspects ran from the officers. As he was running, the suspect dropped a bag of marijuana. During the chase, the pursuing officer demanded three times for the suspect to stop or be tased. The suspect stopped and quickly turned towards the officer. The officer demanded three times for the suspect to go to the ground. The suspect did not comply resulting in the officer deploying his TASER. The TASER immobilized the suspect and he was handcuffed without further incident. The suspect was not injured.

➤ **Report 2004-52969 – December 13, 2004**

An officer responded to a convenience store where a theft had just occurred. A broadcast was made regarding the suspect. The officer observed the suspect, who was known by the officer, walking away from the area. The officer ordered the suspect to stop and he complied. The officer advised the suspect the reason for the stop and that he was under arrest for theft. The suspect became uncooperative and ignored several commands to submit to handcuffing. The officer advised the suspect of the impending use of the TASER. The suspect continued to uncooperative and stated, “I ain’t going nowhere.” The officer deployed his TASER. He was immobilized and handcuffed without further incident. The suspect received minor abrasions to his hands from falling to the ground during the deployment.

The CPD understands the Monitor’s concerns, however, we ask the Monitor to offer practical, real-life alternatives to resolve these situations. During these two situations, **verbal commands** went unheeded by the suspects. In addition, the suspects already showed their noncompliance by running or making defiant statements. If the Monitor is suggesting the alternative is to “**de-escalate**” by waiting for additional officers to arrive at the scene in the hopes they will convince the subject to submit to arrest, from a practical standpoint, one of two things frequently occurs while waiting for backup on a noncompliant subject – (1) the suspect will run, or (2) the suspect will continue to be uncooperative even after additional officers arrive.

The Monitor Team has mentioned the term “arrest control techniques” several times in past reports, but has never provided a definition. The CPD can only assume that it involves some level of physical contact with a suspect. The CPD would suggest, as it has in past reports, that physical contact with a noncompliant suspect increases the chances of injury to the suspect as well as the officer.

The TASER provides the least intrusive amount of force towards a noncompliant suspect. It can easily be credited with the reduction of injuries to suspects as well as officers.

The Monitor’s Team recognizes that TASERS are often being deployed in situations where an officer is pursuing a fleeing subject. The Monitor acknowledges that roughly half of deployments occur as the result of a foot chase.⁸ However, they state, “Even in these situations, of course, the CPD must ensure that the officer has probable cause to arrest or reasonable suspicion to detain the individual.” The Monitor Team fails to substantiate the basis for this statement, considering the Monitor Team does not cite any incidents which support this issue of failing to have probable cause. Every CPD use of force report contains the investigating supervisor’s assessment as to whether the initial contact (basis for the stop) was consistent with CPD policy.⁹

C. Chemical Spray

The MOA provisions pertaining to chemical spray are found in paragraphs 14-19.

Monitor’s Previous Assessment

The Monitor determined that the CPD was in compliance with the MOA.

Status Update

There were 22 deployments of chemical irritant for the second quarter. They have been summarized in Appendix Items 5, 6, 7, 8, and 9. Of the 22 reports, two do not document a warning of impending force (2005-66908 and 2005-68712).¹⁰

Decontamination of sprayed individuals occurred in all but two of the deployments. In those incidents (2005-65336 and 2005-68734), the subjects refused decontamination assistance from the officer.

⁸ During the second quarter, 54% of TASER deployments resulted during a foot pursuit. TASER deployments involving foot pursuits are itemized in Appendix Item 4.

⁹ CPD policy in this case being governed by Terry v. Ohio

¹⁰ These two reports have not completely cleared the review process, i.e. the reports are subject to correction.

D. Canine

The MOA provisions relating to canine policy are located in paragraph 20.

Monitor's Previous Assessment

The CPD's canine policy, deployment of canines, and review of investigations are in compliance with the MOA.

Status Update

Canines were deployed in connection with 171 incidents during the second quarter. As a result, 28 individuals were located with 7 of those suspects being bitten by a dog. This equates to a 25% unit bite ratio.

Captain Daniel Gerard became the new commander of the Special Services Section this quarter. He did a comprehensive review of the unit as well as the individual handlers for the period January 1, 2005 through June 30, 2005. The review is included in Appendix Item 10. His reports in the future will follow the standard rolling six month reviews.

The statistics generated by the Canine Deployment Database have been included in Appendix Items 11, 12, and 13.

E. Beanbag Shotguns / 40mm Foam Rounds / Pepperball

The MOA provisions relating to beanbag shotguns and 40mm foam rounds are located in paragraphs 21, 22, and 23.

Monitor's Previous Assessment

The CPD is in compliance with the MOA requirements relating to beanbag shotgun deployment.

Status Update

During the second quarter of 2005, there were no incidents involving the deployment of the beanbag shotgun, 40 millimeter, or Pepperball launcher.

IV. INCIDENT DOCUMENTATION, INVESTIGATION & REVIEW

A. Documentation

The MOA provisions relating to documentation are located in paragraphs 24 and 25.

Monitor's Previous Assessment

Form 18NC – Non-Compliant Suspect Arrestee Report

The Monitor reviewed the 13 Non-Compliant Suspect/Arrest Report Forms from the previous quarter and concluded that the CPD is in compliance with the requirements applicable to these incidents.

Takedowns with Injury

The Monitor reviewed the ten Injury to Prisoner Reports from the previous quarter and stated that the CPD is in compliance with the MOA requirements for these incidents.

TASERS

The Monitor could not conclude that the CPD was in compliance with the documentation and investigation requirements relating to TASER incidents. First, the investigations did not include taped statements and the CPD has not yet agreed to a modification of the requirement of taped interviews. Second, the TASER use of force forms do not document the interviews of TASER subjects or the information from those interviews.

Status Update

Form 18NC – Non-Compliant Suspect Arrestee Report

There were four incidents of hard hands without injury during the second quarter.

Takedowns with Injury

There were three takedowns with injury during the second quarter.

TASERS

The Monitor states that “paragraph 24 requires that taped statements be taken in investigations of use of force incidents, including TASERS, except where the Agreement specifically states otherwise.”

The CPD maintains their position that the MOA does not require taped statements for TASERS. Paragraph 24 of the MOA specifically states that:

“The CPD will require all uses of force (except canine deployments that do not lead to a canine bite) to be reported in the same manner as the CPD currently reports incidents it classifies as uses of force, except to the extent those reporting requirements have been modified by this Agreement.”

TASER reporting was not modified by this Agreement. In fact, the current TASER that CPD officers carry (model X26) was introduced in February 2004, long after this Agreement was implemented. In addition, the reporting requirements for the older version TASER, which existed at the time the MOA was executed, did not require taped statements. On April 11, 2002, (the date the MOA was executed) Procedure 12.545, Use of Force, read (in part):

D. Documentation Needed for Each Form:

2. Form 18TBFP (Use of Taser/Beanbag Shotgun/40 mm Foam Round/Pepperball):
 - a. Taped statement with use of beanbag shotgun, 40 mm foam round, Pepperball.
 - b. **No taped statement with use of taser** (emphasis added)
 - c. Photos
 - d. Medical release (if treated)
 - e. Summary of doctor’s diagnosis (if treated)

A copy of this section of Procedure 12.545 is included in Appendix Item 14.

The next revision to Procedure 12.545 occurred on September 2, 2002, with the documentation needed for a TASER report remaining unchanged.

TASER documentation requirements continue to be discussed with the DOJ and the Monitor.

B. Investigation

The MOA provisions relating to investigation are located in paragraphs 26-31.

Monitor’s Previous Assessment

Policy

The CPD’s policies on investigating Use of Force incidents comply with the MOA.

Review of Force Investigations

The Monitor Team reviewed 65 investigative files involving use of force incidents. The Monitor concluded that the CPD is in compliance with MOA paragraphs 26, 27, and 30, and that the CPD is in partial compliance with MOA paragraphs 29 and 31.

With respect to paragraph 29, “the Monitor Team found that the majority of the use of force investigations: considered all relevant evidence; identified and interviewed relevant witnesses, identified and explored material inconsistencies among witnesses and evidence; and avoided bias (in favor of police) in questions or the description of evidence and events. This was not true in all investigations, however. In the following investigations, not all relevant witnesses were identified and interviewed, not all relevant evidence was considered, material inconsistencies between witnesses were not explored, and areas of relevant inquiry and follow-up questions were missed in Tracking Nos. 2004-0569, 50306, 52382, 52907, 60608. Also, for some additional investigations, the Monitor could not conclude from the documentation whether all of the witnesses were identified and all of the relevant evidence considered.”

With respect to paragraph 31, the Monitor Team found that “[a]ll of the use of force investigations were reviewed by a lieutenant or higher. In a number of incidents, the lieutenant or captain reviewing the investigation determined that the investigation was not sufficiently thorough and directed that any deficiencies be corrected (Tracking Nos. 04182, 40480, 52616, 53177, 53179, 53237, 60303). There were other investigations, however, where the supervisor failed to conduct a thorough investigation or make an appropriate determination, but the shortcomings were not identified by the chain of command (Tracking Nos. 04155, 04172, 04180, 04259, 52382).”

Status Update

Policy

Nothing to report

Review of Force Investigations

With respect to paragraph 29, the Monitor Team states “to a great extent (they) make a qualitative assessment of the CPD’s compliance with these requirements.” The CPD would argue that the cases they found problems with (5) are minimal in regards to the total number of cases they reviewed (65). The CPD contends that the Monitor Team’s comments “for some additional investigations, (they) could not conclude from the documentation whether all of the witnesses were identified and all of the relevant evidence considered” to be vague and unsubstantiated.

Further, the Monitor Team cites five investigations where “not all relevant witnesses were identified and interviewed, not all relevant evidence was considered, material inconsistencies between witnesses were not explored, and areas of relevant inquiry and follow-up questions were missed...”. The CPD questions the Monitor Team’s comments on two of these investigations:

➤ **Report 2004-50306**

Two CPD officers observed an unknown suspect involved in a drug transaction. The suspect ran as one of the officers exited the vehicle. The officer issued verbal commands for the suspect to stop. The suspect did not comply and ignored the officer’s warning of impending force. The officer deployed his TASER. It was unknown whether the TASER barbs struck the suspect – he was able to flee the scene. No arrest was made.

The CPD would ask the Monitor what relevant evidence is missing. No witnesses were identified nor could the suspect be interviewed.

➤ **Report 2004-52907**

A CPD officer was working a sporting event at a local high school. After the game ended, two groups of 15 to 20 subjects met in the rear parking lot and began fighting with aluminum baseball bats. The officer deployed chemical irritant to minimize injury to the fight participants and for his personal safety. The deployment caused the participants to stop fighting and flee in various directions. There were no arrests made. The 18CI report explained the exigent circumstances which prevented the officer from getting command officer approval to spray the crowd.

The CPD would again argue that all relevant evidence is included in the investigation. There were no witnesses/suspects on scene to interview.

With respect to paragraph 31, the CPD reiterates the argument that this is a qualitative assessment, with the number of deficiencies being minimal to the total number of cases reviewed. Nonetheless, the Monitor’s comments have been forwarded to the IIS commander for further review.

C. Review of Critical Firearms Discharges

The relevant provisions of the MOA are located in paragraphs 32, 33, and 34.

Monitor’s Previous Assessment

The Monitor Team reviewed the five FDB Reports from incidents in 2004, along with the CIS and IIS investigations of those cases. The Monitor concluded that the CPD is in compliance with paragraphs 32, 33, and 34.

Status Update

There were two incidents of firearm discharges at suspects in the second quarter of 2005. CIS has completed its investigations of the incidents. They are currently being investigated by IIS. There was one outstanding investigation in the first quarter (05-pi-01). That case was submitted to the Firearms Discharge Board on June 14, 2005.

V. CITIZEN COMPLAINT PROCESS

A. Openness of the Complaint Process

Paragraphs 35, 36, 37, and 38 of the MOA deal with the openness of the complaint process.

Monitor's Previous Assessment

The City is in compliance with the MOA requirement that complaint forms and informational material be made available in public buildings such as City Hall, the library and CPD District buildings, and that officers carry forms and materials in their vehicles at all times while on duty. (MOA ¶¶35, 36)

The Monitor reviewed citizen complaint files from the fourth quarter of 2004 and the first quarter of 2005 to determine compliance with the MOA provision prohibiting officers from discouraging any person from making a complaint, and that complaints can be filed in any form, including in writing or verbally, in person or by mail, telephone, fax or e-mail.

The Monitor determined that the CPD is in compliance with these provisions, although there was one case in which the complainant was told he had to report the complaint in person (Tracking No. 04118). They also found the CPD in compliance with the requirements that a complaint form will be completed for each complaint, that each complaint be assigned a unique identifier, and that each complaint be resolved in writing. (MOA ¶37) The Monitor comments on one TASER incident where the subject asserted that he was complying with the officers commands and that the tasing was unnecessary, but a complaint was not filed (Tracking No. 2004-0569).

Status Update

The CPD believes there is a fundamental difference with the Monitor on what constitutes a complaint of excessive force or an inappropriate use of force. For example, as in the case cited above by the Monitor, if an arrested subject tells the investigating supervisor that the arresting officer "tased" him for no apparent reason, the CPD believes this is not a complaint of excessive or inappropriate force. Rather, the investigating supervisor's use of force investigation would determine the propriety of the initial contact, subject's noncompliance, propriety of the force used by the officer, etc. If the investigating supervisor determines the officer's actions were not in compliance with Department policy and procedure, the officer would be subject to corrective and/or disciplinary action.

A complaint of excessive/inappropriate use of force requires an allegation of force conveyed by the arrested subject or witness that is not corroborated by the involved officer(s). For example, if the arrested subject states the officer kicked him after he was handcuffed and the officer denies doing so, a complaint of excessive force would be filed. Therefore, in the incident cited by the Monitor, the supervisor took the correct action in not filing a complaint.

B. Investigation of Complaints

Paragraphs 39-50 of the MOA deal with the investigation of complaints.

Monitor's Previous Assessment

Time Period of Investigations

The Monitor has determined that the CPD is in not in compliance with the requirement that investigations be completed within 90 days of receiving the allegations.

Review of Investigations

The Monitor reviewed 38 IIS investigations and 6 CCRP investigations. Of those, the majority were complete and thorough and in compliance with the MOA requirements. The Monitor determined, however, that the CPD is not in full compliance with some of the MOA provisions.

Specifically, the Monitor cited the following:

- There were no complaints that were investigated by CPD members who authorized or were involved in the conduct that was the basis of the complaint. (MOA ¶40)
- Improper leading questions were not used in the investigations, with the exception of Tracking No. 04180. (MOA ¶41)
- The Monitor Team found that in the majority of cases, CPD considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate. (MOA ¶¶41, 49(f)) Complaint investigations where not all of the relevant evidence was considered, or where relevant witnesses were not identified and interviewed, included Tracking Nos. 04291, 04195, 04191, 04259, 04288, 2005-62585.
- Complaint investigations where sufficient efforts were not made to resolve material inconsistencies between evidence and witness statements, or where relevant areas of inquiry and follow up questions were not addressed, included Tracking Nos. 04118, 04155, 04172, 04258, 04259, 04282, 04288, 2005-62585. (MOA ¶¶41, 49(g))
- The investigating supervisor reviewed the initial stop and search and seizure in all but four of the cases (Tracking Nos. 04131, 04268, 04275, 04289). (MOA ¶41)
- Not all complaint investigations reviewed all relevant police activity, including conduct not included in initial complaint (Tracking Nos. 04118, 04172, 04289). (MOA ¶42)

- Not all IIS complaint investigations included taped interviews of complainants, involved officers and witnesses (Tracking Nos. 04256, 04259, 04277, 04289, 04290). (MOA ¶49(a)) Several of these complaints stemmed from the deployment of TASERS in which the field supervisor did not take taped statements, and IIS did not follow up to conduct taped interviews.
- In the majority of the cases reviewed by the Monitor Team, the investigator prepared a report that included a description of the alleged misconduct, any other misconduct identified during the course of the investigation, a summary and analysis of all relevant evidence gathered, and proposed findings and analysis supporting the findings. The report was not complete in Tracking Nos. 04118, 04172, 04191, 04275. (MOA ¶50)
- Each of the CCRP complaints were appropriately assigned as CCRP cases, as they did not involve allegations of use of force, pointing of firearms, searches or seizures, or discrimination. (MOA ¶46)
- The CCRP complaints were investigated and adjudicated prior to a complaint resolution meeting. (MOA ¶47)

The Monitor determined that the CPD has complied with MOA ¶¶40, 42, 43, 46 and 47. The City is not in compliance with the requirement that investigations be completed within 90 days of the filing of the complaint. (MOA ¶50) The CPD is not in full compliance with MOA ¶¶41 and 49.

Status Update

Time Period of Investigations

The issue of investigations being completed in a timely manner has been discussed with the command staff. Investigators have been reminded to include an approved memorandum in the file jacket explaining any exigent circumstances which prevented the case from being completed within 90 days.

IIS Investigations

Review of the data of IIS cases closed during the second quarter of 2005 revealed a total of 72 cases cleared during this timeframe. Of those 72 cases, 20 exceeded the 90-day investigative requirement.

A summary of closed IIS cases during this quarter is included in Appendix Item 15.

CCRP Investigations

Review of the data of CCRP cases closed during the second quarter of 2005 revealed a total of 22 cases were cleared during this timeframe.¹¹ Of those 22 cases, only 3 exceeded the 90-day investigative requirement.

In reviewing the closed CCRP cases, the CPD identified two cases, which based on the complaint description, should have been investigated by IIS (one was an allegation of an improper search; the other was an allegation of discrimination.) Those cases, 2005-62319 and 2005-64721, were sent to IIS for further review and determined to be appropriately handled due to an inaccurate complaint description.

A summary of closed CCRP cases during this quarter is included in Appendix Item 16.

Review of Investigations

In regards to the partial compliance findings, the CPD is in disagreement with the Monitor's determinations and would welcome the opportunity to discuss the cases in question at the next site visit.

C. Adjudication of Complaints

Paragraphs 44 and 45 of the MOA deal with the adjudication of complaints.

Monitor's Previous Assessment

The City is in compliance with the requirement that every complaint be closed with one of four dispositions: sustained, not sustained, unfounded or exonerated. ("Sustained-Other" is a sustained disposition for a violation that was not initially alleged in the complaint, but that was identified by the CPD.)

Status Update

IIS Cases

During the second quarter of 2005, 72 cases were investigated and closed by IIS. Those cases were closed as follows:

Sustained	48
Sustained Other	2
Exonerated	4
Not Sustained	6
Unfounded	12

¹¹ Forty-five (45) cases were closed last quarter. The closed case summary this quarter was generated from a newly generated query of the ETS system. There is a possibility that all the closed cases from this quarter were not drawn out by the query. At the time of this report, ITMS is researching the data.

CCRP Cases

During the second quarter of 2005, 22 cases were investigated and closed through the CCRP process. Those cases were closed as follows:

Sustained	2
Sustained Other	0
Exonerated	3
Not Sustained	6
Unfounded	11

Additionally, this quarter the CPD received and processed 51 reports of favorable officer conduct reported on positive contact forms. Also, there were 192 letters of commendation received recognizing the outstanding performance of CPD officers. A copy of the quarterly report relating to the aforementioned information is included in Appendix Item 17.

D. Investigations by the CCA

Paragraphs 51-56 of the MOA deal with investigation by the CCA.

Monitor's Previous Assessment

General Operations

As noted above, the City has not developed a formal written protocol for coordinating parallel investigations. In addition, there are several items which have been identified by the CPD that impeded the timely flow of information between the agencies. Given the lack of these procedures and the delay in referring cases to the CCA, the City is not in compliance with MOA ¶¶52 and 54.

With respect to MOA ¶55, requiring that the City take appropriate action, including discipline where warranted, on completed CCA investigations, the Monitor cannot find the City in compliance. In addition to the lack of information regarding the CPD action in those cases where the City Manager has agreed to a CCA sustained disposition, there is a second issue that the Monitor has identified. There have been a number of complaint investigations where the CPD has completed its investigation, and then communicated its disposition to the involved officers, before the CCA has presented its determinations to the City Manager and the City Manager has had an opportunity to make her decision whether to agree with the CCA finding or the CPD finding. Even where the CPD has sustained a violation and taken some disciplinary action (such as counseling or an ESL based on a sustained finding), the action taken and sustained violation may be different (and potentially less serious) than the violation that the CCA has sustained. If these actions -- communicating the CPD disposition to the officer before the City Manager is able to make her decision on CCA's

investigation -- result in impeding the ability of the City to take appropriate action on CCA determinations, then the City is not in compliance with MOA ¶55.

Sample Investigations

The Monitor Team reviewed 12 CCA investigations from the first quarter of 2005. The majority were complete and thorough and in compliance with the MOA requirements.

- Improper leading questions were not used in the investigations. (MOA ¶41)
- The Monitor Team found that in 11 of the 12 cases, CCA considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, and made efforts to resolve material inconsistencies between evidence and witness statements (MOA ¶41). A relevant witness was not interviewed and thus not all of the relevant evidence was considered, in investigation Tracking No. 04344.
- The Monitor found that the investigator in each of the twelve cases evaluated the initial contact and search and seizure involved in the incident. (MOA ¶41)
- The CCA conducted an investigation of all relevant police activity, including conduct not included in initial complaint, in each of the 12 cases. (MOA ¶42)

The Monitor found the CCA to be in compliance with MOA ¶¶41-44.

Status Update

General Operations

In accordance with MOA ¶¶52 and 54, the CPD, in conjunction with the CCA, has memorialized an information sharing process. The written procedure will ensure the timely exchange of information and the efficient coordination of citizen complaint investigations.

A copy of the Shared Information Protocol between the CPD and the CCA is included in Appendix Item 18.

In addition, the CCA staff has been provided read-only access to the CPD's ETS system. Software facilitating access to ETS was installed on the CCA computers the week of July 25, 2005. Training was conducted on August 2, 2005 for the CCA investigators. IIS staff has been instructed to assist the CCA staff regarding requests for information -- first referring them to the ETS -- with additional instruction as necessary.

A copy of the Memorandum of Agreement regarding the CCA's access to the ETS is included in Appendix Item 19.

In response to instances when the CPD has completed investigations and communicated its disposition to involved officers prior to the completion of the CCA process, including presentations to the City Manager, a SOP has been developed at IIS to delay implementation of any disciplinary action directed by the Police Chief until both the CPD and the CCA have presented their cases to the City Manager for review and disposition at a monthly meeting. Included in the SOP is a process to document implementation of the City Manager's directives as a result of her decision after review of CCA and CPD cases. Upon receipt of the City Manager's findings, the Administrative Bureau Commander and IIS Commander will communicate the findings to the Police Chief. IIS will, at the direction of the Police Chief, implement any disciplinary action as needed.

A copy of the SOP is included in Appendix Item 20.

Sample Investigations

Nothing to report

VI. Management and Supervision

A. Risk Management and Supervision

Paragraphs 57-66 of the MOA are relevant to risk management and supervision.

Monitor's Previous Assessment

Protocol and Data Input Plan

The CPD is in compliance with the MOA requirements for the ETS protocol and data input plan. (MOA ¶¶ 60, 61)

Implementation of the ETS system

The Monitor will continue to assess the CPD's use of the ETS system and implementation of the requirements of the ETS protocol as the system becomes operational in the next quarter. However, at present, there are several aspects of the ETS protocol that are not yet able to be implemented. These include the requirements prescribed in MOA ¶¶ 62(b), (c), (d), (e), (f), (i), (j), and (k). The CPD is not yet in compliance with MOA ¶¶ 58 and 62.

Manual Risk Management System

Because the CPD stopped using the manual risk management system and started inputting the information into the ETS system instead, the CPD is unable to properly assess and evaluate its members until the analysis functionality is working. Therefore, the CPD is not in compliance with MOA ¶ 65.

Status Update

Protocol and Data Input Plan

Nothing to report

Implementation of the ETS system

To date, there have been approximately 15,911 reports entered into the ETS system. This includes Vehicle Pursuits, Vehicle Crashes, Investigation Reports (Use of Force), Employee Injury, ESLs, Civil Suits, Canine Reports, Internal Investigation (closed) Reports, Citizen Complaints, and Court Appearances.

Motorola (formally CRISNET), the vendor, is currently working on the data conversion for all the old data to be imported into the system. Motorola reports that they are down to 20 errors on the data conversion. If this is

correct, then the CPD expects the data conversion to be complete in the very near future. Motorola also has to make some corrections and modifications to the system. One of the corrections is to the analysis tool and the calculations of the risk associated weights to figure the standard deviations. The analysis tool seems to be reporting the correct information; however, the weight associated with the use of TASER is not assessing the correct value. Motorola is examining this for resolution. It is expected that all of the corrections, modifications, and the analysis tool will be completed no later than the end of the third quarter 2005.

After the data conversion and the analysis tool have been corrected, the Department will perform its first analysis. This analysis, for the second quarter 2005, will be treated as a test analysis so that the analysis process can be refined to provide for the first official analysis in October 2005 for the third quarter 2005.

The CPD has selected Motorola as the primary vendor for the new Computer Aided Dispatch (CAD) and Records Management System (RMS). The CPD began contract negotiations with Motorola with the expectation to have project kick off on or about October 1, 2005.

Based upon the ETS demonstration held for the Monitor in May and the tremendous accomplishments to date, the CPD believes that a “partial compliance” designation is appropriate until the analysis tool is totally functional.

Manual Risk Management System

Nothing to report

B. Audit Procedures

Paragraphs 67-69 of the MOA deal with audit procedures.

Monitor’s Previous Assessment

Improvements in the CCRP audit process included (1) documenting which CCRP cases were reviewed; and (2) Inspections’ attempt to contact and follow up with complainants. Also, the cases were chosen by a random sample. The Monitor believes these improvements move the CPD toward compliance with the CCRP audit requirement. The Monitor has recommended that the Inspections Section also use checklists or other audit forms to document their review of CCRP files.

The CPD is in compliance with MOA ¶¶67 and 69. The Monitor will assess compliance with MOA ¶68 in the next quarter when the Inspections Section conducts its integrity audit of IIS investigations.

Status Update

CCRP Audit

In response to the Monitor's recommendation that Inspections use checklists to document their reviews of CCRP cases, Inspections has in fact had these checklists in place for the past two or three quarters.

Inspections Section has reviewed the Citizen Complaint Resolution Process (CCRP) for the second quarter of 2005. Eighty (80) complaints were filed with the CPD between April and June. A random audit of 21 cases was conducted on the closed investigations.

Inspections Section reviewed the following criteria:

- Ensure CCRP complaints were entered into the database and the case files were maintained in a central area for each district, section, and unit.
- Ensure necessary documentation was completed for each CCRP investigation.
- Ensure all files contained the appropriate documents.
- Ensure the investigating supervisor notified the complainant of the disposition and whether any corrective or disciplinary action was taken.

Additionally, Inspections Section randomly contacted complainants to evaluate whether their actions and views were accurately captured in the CCRP reports.

The audit revealed that all CCRP investigations reviewed were in compliance with the criteria set forth above.

A summary of the audit was prepared on July 15, 2005, and is included in Appendix Item 21.

IIS Audit

The Inspections Section conducted a semiannual audit of cases resolved by IIS. The audit reviewed cases cleared from January 1, 2005 through June 30, 2005. Eight cases were reviewed. Pursuant to the requirements outlined in the Inspections Section's Standard Operating Policies and Procedure #1.54, the audit found that the cases reviewed were in compliance with the policies, procedure, and standards of the CPD.

A summary of the audit was prepared on July 14, 2005, and is included in Appendix Item 22.

The CPD also had conversations with representatives from both the City and County Prosecutor's Offices to discuss individual and/or collective officer performance issues. Both Mr. Ernest McAdams, from the City Prosecutor's Office, and Mr. Karl Kadon, from the Hamilton County Prosecutor's Office, stated there are currently no areas of concern pertaining to officer, shift, or unit

performance. A copy of the memo relating to this issue is included in Appendix Item 23.

C. Video Cameras

MOA paragraphs 70-72 deal with video camera requirements.

Monitor's Previous Assessment

The CPD is still in partial compliance with these provisions of the MOA. Not all vehicles have recorders installed.

The Monitor also noted that manual activation of the MVR was used in two incidents in which an officer deployed chemical spray on a restrained individual being transported in the police car (Tracking Nos. 04312, 51208). The MVR provided the investigating supervisor, the chain of command and the Monitor with information corroborating the officer's statement. As the MOA and CPD procedures require, the MVR should be activated manually to the extent practical for incidents in which the prisoner being transported is violent. It was not used in six of eight incidents involving violent prisoners being transported.

Status Update

Video Camera Implementation

All but 24 of the CPD's 236 marked units are equipped with a MVR/DVR. The CPD is awaiting identification of available capital funds to supplement the purchase of additional cameras.

MVR/DVR Usage During Prisoner Transport

In early June, the CPD revised Procedure 12.537, Mobile Video/Digital Video Recording Equipment. Officers are now required to use their MVR/DVR equipment to record all prisoner transports. The revised procedure reads:

A. Operating and Utilizing MVR/DVR Equipment

4. Officers will use their MVR/DVR equipment to record all portions of the following incidents:

d. The transporting of all persons physically arrested and being transported to an appropriate location: district, detention facility, medical facility, etc., until relieved of custody of the prisoner. The camera will be turned to face the rear seat for recording purposes.

1) This includes physical arrests from traffic stops; prisoners requiring transportation which are picked up from districts, outside agencies, private security, etc.;

and all original arrests which were not part of an above incident requiring initial recording of the incident.

A copy of this portion of the revised procedure is included in Appendix Item 24.

D. Police Communications Technology

MOA paragraphs 73 and 74 relate to police communications technology.

Monitor's Previous Assessment

The Monitor found the CPD to be in compliance with these provisions.

Status Update:

Project Name:	Regional Operation Center: 2000 Radcliff Drive
Project Manager:	Captain Kenneth S. Jones
Project Description:	Renovation of an existing office building/warehouse into a state-of-the-art Communications Center, Regional Emergency Operations Center and office space for other personnel.
Date initiated:	August 2002
Due Date:	November 2005
Objectives:	To activate a state-of-the art Communications Center.
Accomplishments:	Police Communications Section personnel were relocated to the new facility during the second quarter. Expansion of the facility has resulted in the construction of the Cincinnati-Hamilton County Regional Emergency Operations Center. Construction is scheduled for completion during the fourth quarter of 2005. Additional units now housed at the facility include the Terrorism Early Warning Group.
2005 Goal:	Relocation of present Communications Center operation by May 1, 2005.

Status: Regional Operations Center fully operational on May 3, 2005.

Project Name: **Enhanced Security: Regional Operational Center**

Project Manager: Captain Kenneth S. Jones

Project Description: Installation for an enhanced security system at the Regional Operations Center. Security system to be designed lessen potential structural assault on infrastructure of the Communications Section and Emergency Operation Center and installation of a high grade surveillance system.

Date initiated: April 1, 2005

Due Date: January 2006

Objectives: To locate and obtain funding for project.

Status: Funding for the project has been requested through the Terrorist Early Warning Group Committee for consideration of UASI funds. Presentation of project requests scheduled for July 2005.

Project Name: **Computer Aided Dispatch (CAD) Replacement**

Project Manager: Lieutenant Colonel Cindy M. Combs

Date initiated: April 2003

Due Date: April 2006

Objectives: To select an advanced CAD System for installation at the Regional Operations Center.

Accomplishments: System vendor selected during second quarter. Contract and additional systems negotiations conducted during second quarter of 2005.

2005 Goal: Select vendor and sign contract for purchase/installation of system by May 1, 2005.

Status: System vendor selected during second quarter, contract negotiations ongoing.

2005 Goal: Training Enhancement

Project Manager: ESDS Beverly Allen

Date Initiated: February 15, 2005

Due Date: June 1, 2005

Objectives: Develop a comprehensive program to include monthly continuing education/training program. Increase job proficiency through enhanced quality review by supervisors. Develop simulation training program consistent with technology installed at the Regional Operations Center.

Status: A computerized Quality Review program has been developed and implemented at the Communications Section. The program identifies employee strengths and weaknesses, identifies patterns of conduct and ensures supervisory accountability. An enhanced training program has been developed by ESDS Beverly Allen and Lieutenant Jeffrey L. Butler Jr. The system was implemented on June 1, 2005 under the direction of ESDS Allen.

E. Discipline Matrix

MOA paragraphs 75-76 are relevant to discipline and promotional policy.

Monitor's Previous Assessment

The CPD has not had the capabilities to track electronically the disciplinary penalties imposed in each case where a violation of policy has been sustained. Although the ETS system is in now being implemented, the data on disciplinary action is not yet available.

We also raised the concern in prior Reports regarding those cases where the CCA sustained an allegation that was determined by the CPD to be not sustained, exonerated or unfounded. The City's Status Report states that "the CCA is currently 'marrying up' the CPD's 2004 database with their database. The result will be a spreadsheet identifying cases with conflicting findings. The City Manager will then address those cases." Because the City has not yet addressed and resolved these issues, Cincinnati is not yet in compliance with these MOA provisions.

Status Update

The CPD and the CCA are currently in the process of finalizing the CPD/CCA Citizen Complaint Case Management System. The CPD/CCA Citizen Complaint Case Management System will include the following fields: CCA Case Number, CPD Case Number CPD Date Received, CPD Date Closed, Incident Date, Allegations, Complainant Name, Sex and Race, Officer Name, Sex and Race, CPD Disposition, CCA Disposition, Date Submitted to City Manager, City Manager's Disposition, CPD Action. When cases have conflicting findings from the CCA or the CPD, these cases will be the focus of the City Manager's attention for resolution. In addition, the Case Management System issues addressed previously under ¶¶ 52 and 54 will ensure future deficiencies are eliminated.

A copy of the current Case Management Spreadsheet is included in Appendix Item 25.

VII. TRAINING

A. Use of Force – Management Oversight and Curriculum

MOA paragraphs 77 – 81 are relevant to management oversight of training and training curriculum.

Monitor's Previous Assessment

The CPD remains in compliance with these provisions.

Status Update

During this quarter, Use of Force was covered multiple times in the Roll Call Training Program.

Annual Firearms Qualifications begin in July. Target Range personnel review the Use of Force procedure (12.545) and Discharging of Firearms by Police Personnel procedure (12.550) at the beginning of every qualifications session.

The Police Academy conducted another needs assessment for training. Various training items were discussed at the Training Committee meeting held on April 28, 2005. A summary of the meeting is included in Appendix Item 26.

B. Handling Citizen Complaints

MOA paragraph 82 is relevant to citizen complaint training.

Monitor's Previous Assessment

The Monitor reviewed the curriculum, lesson plans and materials for this training, and the CPD is in compliance with this section of the MOA.

Status Update

The citizen complaint process was covered in New Supervisors' training for 16 officers in June.

C. Leadership/Command Accountability Training

MOA paragraph 83 is relevant to leadership/command accountability training.

Monitor's Previous Assessment

The Monitor found the CPD to be in compliance with this MOA provision.

Status Update

During the second quarter, Captain Douglas Weisman completed the Southern Police Institute's Graduate Course. Captain Eliot Isaac completed his training at the FBI Academy in Quantico, Virginia.

D. Canine Training

MOA paragraph 84 is relevant to canine training.

Monitor's Previous Assessment

The Monitor states that compliance with this provision will be assessed in the Monitor's next Quarterly Report.

Status Update

Nothing to report

E. Scenario Based Training

MOA paragraph 85 is relevant to scenario-based training.

Monitor's Previous Assessment

The CPD remains in compliance with this provision.

Status Update

During the second quarter of 2005, the CPD provided 1,408.7 hours of Roll Call Training. Several new scenarios taken from CPD incidents were added to the library. Other areas reviewed include:

- QUAD (Quick Action Deployment)
- Search and Seizure
- Use of Force
- Tactical Patrol Guide

The Roll Call Training calendars and summary for this quarter have been included in Appendix Items 27 and 28.

F. Revised Training Based on Review of Civil Lawsuits Pertaining to Officer Misconduct

MOA paragraph 86 is relevant to training based on civil lawsuits.

Monitor's Previous Assessment

The CPD is in compliance with this provision.

Status Update

The quarterly meeting between the City Solicitor's office and the CPD took place on June 24, 2005. The following items were discussed:

- FTO and MHRT training courses recently held for police officers and police specialists were discussed.
- Sixteen (16) officers attended new sergeants' training.
- Ten officers (10) scheduled to attend a 49-hour crime analysis course.
- A new recruit class will begin on September 26, 2005. The class will run twenty-four (24) weeks and consist of thirty-six (36) officers.
- Upcoming FTO, MHRT, New Sergeants', and Neighborhood Code Enforcement Response Team (NCERT) training was discussed.
- Updates were given on six court cases involving the CPD.
- How the impounding of pit bull dogs and the related criminal cases are handled was discussed.

The minutes from the meeting have been included in Appendix Item 29.

G. Orientation to the MOA

MOA paragraph 87 is relevant to MOA orientation training.

Monitor's Previous Assessment

The City remains in compliance with this provision.

Status Update

During this quarter, Lieutenant Larry Powell of the CPD made presentations focusing on the CA to the following groups:

- Citizens on Patrol on April 28th
- Citizens Police Academy on May 4th
- New City Employee orientation on May 12th
- New FTO training on May 24th
- New Sergeants' training on June 7th

H. Field Training Officers

MOA Paragraphs 88-89 deal with the training of field training officers.

Monitor's Previous Assessment

The City remains in compliance with this provision.

Status Update

There was no FTO Committee meeting this quarter. Thirty-nine (39) officers attended FTO inservice training in May. Also in May, sixteen (16) officers attended a 40-hour course for new FTOs.

A copy of the course schedule is included in Appendix Item 30.

I. Firearms Training

MOA paragraphs 90-91 are relevant to firearms training.

Monitor's Previous Assessment

The CPD remains in compliance with these MOA provisions.

Status Update

Annual Firearms Familiarization training continued during the second quarter. Firearms qualifications will follow that training.

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